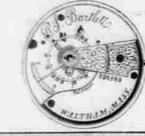
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Hawaiian Gazette.

WEDNESDAY, DECEMBER 20, 1882.

assets and liabilities of the firm to the resuming partners."

"The partners remaining in the firm bind themselves to Mr. E. F. to collect, wind up or secure as far as possible, with createst care and conscientessness, the contranding accounts ascertamed on Angust files, 1878, such as book debts, bills, mortagues and other claims of the firm in order to be enabled as ason as possible, to pay Mr. E. F. his share in the peoperty of the late firm.
"Until the whole of the onistanding debts and claims are collected or completely secured. all partners interested before September 1st, 1878, remain responsible for the due payment and complete securement of same, per size, of their share.
"Until the complete winding up and securement of the outstanding claims, of whatsoewer kind, a current account is to be kept with Mr. E. F. from September 1st, 1878, in which he is to be credited with interest at six per cent, per amount, until the payment of the safe outstanding claims. The payment of his share in the capital shall be made to Mr. E. F. as follows:

§ September 1st, 1879
§ September 1st, 1879
§ Marrel 1st, 1879
§ Marrel 1st, 1879

JUST RECEIVED

that they regard all outstanding claims as secured."
The following clause of the partnership agree ment of the present farm bearing date duy 21st.
1801, also relates to these points:
"All assets and liabilities of the late farm are to be assumed by the above tunned partners on Sept.
1st, 1821, with all legal inabilities, advantages and

House Furnishing Goods, all kinds: LARGE AND WELL-SELECTED CARGOES

- OF \_\_\_\_\_\_ be assumed at a fair valuation, etc., and (B) that of the plantation accounts of the calculation accounts of the defendants and their new particular that the defendants are the particular that the defendants are the particular that the defendants are the particular that the particular that t

shit around to the points, that the plainting intended to grant the power to the defondants and their associates to act in the absence of proof of fraud or gross negligence, as though his personal consent were given to all they did.

We also hold that, for the purposes of accounting between the parties, the defendants had the right to mark off debts they deemed lost, and thereby to withdraw those amounts from the agreement curital to be divised. They could judge execute curital to be divised.

assets have been collected than is admitted by it defendants.

1st.—The plaintiff claims that certainly when it changes in the partnership of July Zist, 1861, we made, the paragraphs we have above quited fire the contract then made, constitute, asade from it plantation accounts therein specially excluded sale of the whole of the capital assets in which has a share to the new firm, and thereby that it whole were substantially collected. We think this is clearly untenable. The lettin of new partners was agreed to by the plaint The plaintiff sakes an accounting as to the sun paid in by the new partners if any and claims be allowed for his part of it. This cannot be don Incidentally he has the advantage of the fun paid in if any for they make it more sure, the advances will continue to be made if thought be in order to try to secure the payment of his sin in the outstanding assets.

2nd.—Account \* R.\* as designated in the coping of the Vice-Chancellor, when the plaintiff retires tood at \$61,85.50. The plaintiff claims that it collected in full.

stood at \$61,451.26. The plaintiff claims that it is sublected in full.

Upon this point new evidence was taken before.

The plaintation upon which this debt reside was incorporated since the last account renderso to the plaintiff, and some of the stock was sold for such, and the amount paid over to the defendants. Bet it was sworn that all same paid in and realized were credited for the benefit proportionally, of the plaintiff and we see no reason to doubt this or that the balance unpuid stands as shown.

The retiring contract provides that "All surpluses over the advances made after the filst of August, 1878, for the purposes of carrying on the plaintificous and securing the advances made before that data, shall be credited as payments or account, until the whole of the outstanding claims are settled, or may be regarded as perfectly secured.

Payments were made to the plaintiff from time to time on his share, and current accounts were remidered to him by the defendants, and up to and metuding Marria, its 380, the date of the last of the last count condered, he share of the plaintiff in the count condered, he share of the plaintiff in the count condered, he share of the plaintiff in the count condered, he share of the plaintiff in the count condered in the sun of \$83,28 off. No account was thereafter rendered to the plaintiff except this many thereafter rendered to the plaintiff except this many thereafter rendered to the plaintiff except this many thereafter rendered to the plaintiff of \$85,00, which the plaintiff is proportional to the condition of \$85,00, which the plaintiff is proportional to the condition of \$85,00, which the plaintiff is proportional to the condition of \$85,00, which the plaintiff is proportionally the plaintiff of the plaintiff is the plaintiff in the plaintiff in the plaintiff in the plaintiff is the plaintiff in the plaintiff in the plaintiff is the plaintiff of the plaintiff is the plaintiff of the plaintiff of the plaintiff of the plaintiff is the plaintiff of the pla

OFFICEN OF McCully, J. The Court in effect confirms the judgment given a the first instance, except in the matter of the syment of interest, and thereupon ordering ar-recount to be taken to ascertain what amount of account to be taken to ascertain what amount of interest may be due.

The classes in the retiring agreement regulating the payment of interest, are in these words:

"Entil the complete winding up or securement of claims of whatever kind they may be there will be kept a running account with E. Furstenan from September 18; 1878, and six per cent. interest shall be credited to him up to the settlement of the above mentioned claims."

" " Until the closing of this account (of the assets) the interest shall be runnited semi-annually to E. Furstenan to Revenan."

the debtor parties and g have been "settled" the debtor parties and credits E Furstenan i sent manners. It will be granted I think that has coomed and by the agreement is to remit i seminancily. It will be granted I think that has defendants are not bound to pay interest after the principal has disappeared, and it must also be considered that they are not to pay interest altered to the considered that they are not to pay interest altered the parties of the considerable period of time to the debtor and considerable period of time to considerable period to considerable period to consi

### With this expression of my views in additional supervisor qualifying what is written by the control of the cont ASTOR HOUSE DINING AND LUNCH PARLORS

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